

Joan Macy School

1350 3rd Street
La Verne, California 91750
(909) 596-3173, fax (909) 596-8492

January 31, 2011



Ms Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
445 12th Street, SW
Washington, DC 20554

Request for Appeal:

CC Docket:	No 02-6
Joan Macy School's Billed Entity:	16039542
Form 471 Application Number:	743410
Funding Request Numbers:	2011214, 2011300
Funding Year:	2010-2011

This letter is written to appeal the USAC Administrator's Decision on Appeal, dated January 20, 2011, which denies Joan Macy School from appealing the decision on the Funding Commitment Decision Letter.

The basis of our appeal, dated December 15, 2010, states that we, Joan Macy School, were not properly notified by USAC of their denial of our Funding Request as we did not receive their notification, dated September 21, 2010, until December 15, 2010. Please find attached USAC's letter dated August 31, 2010 which states the Program Integrity Assurance (PIA) team's decision of our submitted Form 471. I followed up with the PIA team via email on September 9, 2010 and was informed that instructions on how to appeal their decision would be sent separately. However, said correspondence was not mailed, emailed or faxed until I furthered inquired via email on December 14, 2010 and then USAC's Denial Letter was emailed to my attention on December 15, 2010. I immediately submitted a request for appeal to request additional time to respond to USAC's denial, which was denied per FCC's guidelines.

Joan Macy School has made every effort possible to remain in compliance with the rules and guidelines of USAC and the FCC. However, since we were not properly informed of USAC Funding Commitment Decision Letter until after appeal timeline, Joan Macy School was not able to file the appeal in a timely manner. Accordingly, we ask that you consider our appeal for a time extension and find in favor of our appeal.

Respectfully,

A handwritten signature in black ink, appearing to be "MD" with a stylized flourish.

Maricela Duran, Principal

JAN 25 REC'D



Universal Service Administrative Company
Schools & Libraries Division

Administrator's Decision on Appeal – Funding Year 2010-2011

January 20, 2011

Maricela Duran
Joan Macy School
1350 Third Street
Laverne, CA 91750

Re: Applicant Name: JOAN MACY SCHOOL
Billed Entity Number: 16039542
Form 471 Application Number: 743410
Funding Request Number(s): 2011214, 2011300
Decision Letter Date: September 21, 2010
Date Appeal Postmarked: December 15, 2010
Your Correspondence Received: December 15, 2010

Our records show that your appeal was postmarked more than 60 days after the date your Funding Commitment Decision Letter was issued, as shown above. Federal Communications Commission (FCC) rules require applicants to postmark appeals within 60 days of the date on the decision letter being appealed. FCC rules do not permit the Universal Service Administrative Company (USAC) to consider your appeal.

If you believe there is a basis for further examination of your application, you may file an appeal with the FCC. You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be POSTMARKED within 60 days of the above date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554. Further information and options for filing an appeal directly with the FCC can be found in the "Appeals Procedure" posted in the Reference Area of the SLD section of the USAC website or by contacting the Client Service Bureau. We strongly recommend that you use the electronic filing options.

Schools and Libraries Division
Universal Service Administrative Company

FCC online



Universal Service Administrative Company
Schools & Libraries Division

Administrator's Appeal Acknowledgement Letter
(Funding Year 2010: 07/01/2010-06/30/2011)

JAN 10 REC'D

January 4, 2011

Maricela Duran
Joan Macy School
1350 Third Street
Laverne, CA 91750

Subject: Joan Macy School

Maricela Duran,

Universal Service Administrative Company has received your correspondence on December 15, 2010 regarding the 2010 funding decision of your Form 471 Application Number 743410 - FRNs 2011214 and 2011300 respectively.

These are the steps that will now follow:

1. We will review your correspondence carefully to identify the specific issue(s) it raises.
2. We will consult the Program Integrity Assurance records and all supporting documentation for the application. Our goal is to determine whether the program rules were administered appropriately in processing your application.
3. Once the review process is completed we will respond in writing and state whether your appeal is approved, denied or approved in part. A Revised Funding Commitment Decision Letter will follow for any approved appeal resulting in additional discounts for your application. Funds have been set aside to implement funding decisions for appeals approved by the USAC and/or the Federal Communications Commission.

We will perform an in-depth review of your appeal. Our goal is to respond to you as promptly as possible. We thank you in advance for your patience as we handle your appeal with the care and attention it deserves.

Universal Service Administrative Company

Duran, Maricela

From: Appeals [appeals@solixinc.com]
Sent: Wednesday, December 15, 2010 10:00 AM
To: Duran, Maricela
Subject: Appeal

Thank you for submitting your correspondence by e-mail to the Schools & Libraries Division (SLD) of the Universal Service Administrative Company.

This message serves as a receipt confirmation of your submission.

Confidentiality Notice: *The information in this e-mail and any attachments thereto is intended for the named recipient(s) only. This e-mail, including any attachments, may contain information that is privileged and confidential and subject to legal restrictions and penalties regarding its unauthorized disclosure or other use. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or the taking of any action or inaction in reliance on the contents of this e-mail and any of its attachments is **STRICTLY PROHIBITED**. If you have received this e-mail in error, please immediately notify the sender via return e-mail; delete this e-mail and all attachments from your e-mail system and your computer system and network; and destroy any paper copies you may have in your possession. Thank you for your cooperation.*

Duran, Maricela

From: Duran, Maricela
Sent: Wednesday, December 15, 2010 10:00 AM
To: 'appeals@sl.universalservice.org'
Cc: Duran, Maricela
Subject: FCDL Copy - Case #22-143725
Attachments: Applicant FCDL 743410.pdf; email 9-9-2010.docx

Dear Sirs,

I would like to appeal this decision and be given the opportunity to justify the requested services. Unfortunately I just received your decision letter today, 12/15/2010, via the below email. The last correspondence from your organization was via email on 9/9/2010, and I have been checking for correspondence via email, fax and hard mail since the 9/9/10 to begin the appeal process. Will you please reconsider our application and allow us an opportunity to appeal this decision? Please advise.

*Thank you,
Maricela Duran, Principal
Joan Macy School NPS
909-596-3173
www.joanmacyschool.org*

From: SLD Problem Resolution Mailbox [mailto:sld-problem-resolution@vangent.com]
Sent: Wednesday, December 15, 2010 9:11 AM
To: Duran, Maricela
Subject: FCDL Copy - Case #22-143725

Maricela,

Here is a copy of the FCDL you have requested.

Thank you,

Anthony Siebert
Technical Client Service Bureau
Schools and Libraries Division
Help Line: 888-203-8100
Fax: 888-276-8736
E-Mail: sld-problem-resolution@vangent.com



Universal Service Administrative Company
Schools & Libraries Division

FUNDING COMMITMENT DECISION LETTER
(Funding Year 2010: 07/01/2010 - 06/30/2011)

DEC 15 REC'D

September 21, 2010

Maricela Duran
JOAN MACY SCHOOL
1350 THIRD STREET
LAVERNE, CA 91750

Re: Form 471 Application Number: 743410
Billed Entity Number (BEN): 16039542
Billed Entity FCC RN: 0000000000
Applicant's Form Identifier: JOANMACY

Thank you for your Funding Year 2010 application for Universal Service Support and for any assistance you provided throughout our review. The current status of the funding request(s) in the Form 471 application cited above and featured in the Funding Commitment Report(s) (Report) at the end of this letter is as follows.

- The amount, \$50,265.12 is "Denied."

Please refer to the Report following this letter for specific funding request decisions and explanations. The Universal Service Administrative Company (USAC) is also sending this information to your service provider(s) so preparations can begin for implementing your approved discount(s) after you file FCC Form 486, Receipt of Service Confirmation Form. A guide that provides a definition for each line of the Report is available in the Reference Area of our website.

NEXT STEPS

- Work with your service provider to determine if you will receive discounted bills or if you will request reimbursement from USAC after paying your bills in full
- Review technology planning approval requirements
- Review CIPA requirements
- File Form 486
- Invoice USAC using the Form 474 (service provider) or Form 472 (Billed Entity applicant) - as products and services are being delivered and billed

TO APPEAL THIS DECISION:

You have the option of filing an appeal with the SLD or directly with the Federal Communications Commission (FCC).

If you wish to appeal a decision in this letter to USAC, your appeal must be received by USAC or postmarked within 60 days of the date of this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. In your letter of appeal:

1. Include the name, address, telephone number, fax number, and (if available) email address for the person who can most readily discuss this appeal with us.
2. State outright that your letter is an appeal. Include the following to identify the letter and the decision you are appealing:
 - Appellant name,
 - Applicant name and service provider name, if different from appellant,
 - Applicant BEN and Service Provider Identification Number (SPIN),
 - Form 471 Application Number 743410 as assigned by USAC,
 - "Funding Commitment Decision Letter for Funding Year 2010," AND
 - The exact text or the decision that you are appealing.

DUPLICATE LETTER

3. Please keep your letter to the point, and provide documentation to support your appeal. Be sure to keep a copy of your entire appeal, including any correspondence and documentation.
4. If you are the applicant, please provide a copy of your appeal to the service provider(s) affected by USAC's decision. If you are the service provider, please provide a copy of your appeal to the applicant(s) affected by USAC's decision.
5. Provide an authorized signature on your letter of appeal.

To submit your appeal to USAC by email, email your appeal to appeals@sl.universalservice.org. USAC will automatically reply to incoming emails to confirm receipt.

To submit your appeal to USAC by fax, fax your appeal to (973) 599-6542.

To submit your appeal to USAC on paper, send your appeal to:

Letter of Appeal
Schools and Libraries Division - Correspondence Unit
30 Lanidex Plaza West
PO Box 685
Parsippany, NJ 07054-0685

If you wish to appeal a decision in this letter to the FCC, you should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be received by the FCC or postmarked within 60 days of the date of this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. We strongly recommend that you use the electronic filing options described in the "Appeals Procedure" posted in the Reference Area of our website. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554.

OBLIGATION TO PAY NON-DISCOUNT PORTION

Applicants are required to pay the non-discount portion of the cost of the products and/or services to their service provider(s). Service providers are required to bill applicants for the non-discount portion. The FCC stated that requiring applicants to pay their share ensures efficiency and accountability in the program. If USAC is being billed via the FCC Form 474, the service provider must bill the applicant at the same time it bills USAC. If USAC is being billed via the FCC Form 472, the applicant pays the service provider in full (the non-discount plus discount portion) and then seeks reimbursement from USAC. If you are using a trade-in as part of your non-discount portion, please refer to our website for more information.

NOTICE ON RULES AND FUNDS AVAILABILITY

Applicants' receipt of funding commitments is contingent on their compliance with all statutory, regulatory, and procedural requirements of the Schools and Libraries Program. Applicants who have received funding commitments continue to be subject to audits and other reviews that USAC and/or the FCC may undertake periodically to assure that funds that have been committed are being used in accordance with all such requirements. USAC may be required to reduce or cancel funding commitments that were not issued in accordance with such requirements, whether due to action or inaction, including but not limited to that by USAC, the applicant, or the service provider. USAC, and other appropriate authorities (including but not limited to the FCC), may pursue enforcement actions and other means of recourse to collect improperly disbursed funds. The timing of payment of invoices may also be affected by the availability of funds based on the amount of funds collected from contributing telecommunications companies.

Schools and Libraries Division
Universal Service Administrative Company

FUNDING COMMITMENT REPORT
Billed Entity Name: JOAN MACY SCHOOL
BEN: 16039542
Funding Year: 2010

Comment on RAL corrections: The applicant did not submit any RAL corrections.

Form 471 Application Number: 743410
Funding Request Number: 2011214
Funding Status: Not Funded
Category of Service: Telecommunications Service
Form 470 Application Number: 408490000807537
SPIN: 143001197
Service Provider Name: Verizon Business Global LLC
Contract Number: 621197-00
Billing Account Number: 909-596-3173
Multiple Billing Account Numbers: N
Service Start Date: 07/01/2010
Service End Date: N/A
Contract Award Date: 01/28/2010
Contract Expiration Date: 06/30/2011
Site Identifier: 16039542
Number of Months Recurring Service Provided in Funding Year: 12
Annual Pre-discount Amount for Eligible Recurring Charges: \$11,961.96
Annual Pre-discount Amount for Eligible Non-recurring Charges: \$88.17
Pre-discount Amount: \$12,050.13
Discount Percentage Approved by the USAC: 90%
Funding Commitment Decision: \$0.00 - 28 Day Waiting Period Violated
Funding Commitment Decision Explanation: MR1: The FRN was modified from \$12050.13 to \$12061.96 to agree with the applicant documentation. <><><><><> MR2: The Contract Award Date was changed from 02/07/2008 to 01/28/2010 to agree with the applicant documentation. <><><><><> DR1: A contract for a new service was signed prior to the required 28-day waiting period computed from the date of the posting of the Form 470 to USAC Web Site which violates program rules.

FCDL Date: 09/21/2010
Wave Number: 018
Last Allowable Date for Delivery and Installation for Non-Recurring Services: 09/30/2011

FUNDING COMMITMENT REPORT
Billed Entity Name: JOAN MACY SCHOOL
BEN: 16039542
Funding Year: 2010

Comment on RAL corrections: The applicant did not submit any RAL corrections.

Form 471 Application Number: 743410
Funding Request Number: 2011300
Funding Status: Not Funded
Category of Service: Basic Maintenance of Internal Connection
Form 470 Application Number: 408490000807537
SPIN: 143010165
Service Provider Name: Spectrum Communications Cabling Services, Inc
Contract Number: N/A
Billing Account Number: 909-596-3173
Multiple Billing Account Numbers: N
Service Start Date: 07/10/2010
Service End Date: N/A
Contract Award Date: 03/05/2010
Contract Expiration Date: 06/30/2011
Site Identifier: 16039542
Number of Months Recurring Service Provided in Funding Year: 12
Annual Pre-discount Amount for Eligible Recurring Charges: \$43,800.00
Annual Pre-discount Amount for Eligible Non-recurring Charges: \$.00
Pre-discount Amount: \$43,800.00
Discount Percentage Approved by the USAC: 90%
Funding Commitment Decision: \$0.00 - Cost Effectiveness
Funding Commitment Decision Explanation: MR1: The Contract Award Date was changed from 2/4/2010 to 3/5/2010 to agree with the applicant documentation. <><><><><> DR1: FCC rules require that a contract be signed and dated by applicant prior to the filing of the Form 471 for the products/services requested. This requirement was not met. <><><><><> DR2: This funding request is denied as a result of a Cost Effectiveness Review, which has determined that your request for \$43,800.00 has not been justified as cost effective as required by FCC rules. Cost per student, Cost per piece of equipment, and Cost per cabling drop are considered high and not cost effective.

FCDL Date: 09/21/2010
Wave Number: 018
Last Allowable Date for Delivery and Installation for Non-Recurring Services: 09/30/2011

Duran, Maricela

From: SLD Problem Resolution Mailbox [sld-problem-resolution@vangent.com]
Sent: Wednesday, December 15, 2010 9:11 AM
To: Duran, Maricela
Subject: FCDL Copy - Case #22-143725
Attachments: Applicant FCDL 743410.pdf

Maricela,

Here is a copy of the FCDL you have requested.

Thank you,

Anthony Siebert
Technical Client Service Bureau
Schools and Libraries Division
Help Line: 888-203-8100
Fax: 888-276-8736
E-Mail: sld-problem-resolution@vangent.com

Duran, Maricela

From: Duran, Maricela
Sent: Tuesday, December 14, 2010 12:15 PM
To: Duran, Maricela
Subject: FW: Joan Macy School -- your assistance please

9/9/10

From: Kramer, Benjamin [mailto:BKRAMER@sl.universalservice.org]
Sent: Thursday, September 09, 2010 4:13 AM
To: Duran, Maricela
Subject: RE: Joan Macy School -- your assistance please

Maricela,

You must wait until you receive your FCDL (Funding Commitment Decision Letter) to file the appeal - you will receive instruction on how to do to that when you receive that correspondence.

I'm sorry I can't help you further - If you have any questions or concerns regarding your application, I would advise you to contact our Client Services Bureau; they can be reached at (888) 203-8100.

Benjamin Kramer
USAC Schools and Libraries Division
Program Integrity Assurance-PIA
Phone# (973) 581-5173
Fax# (973) 599-6522
bkramer@sl.universalservice.org

From: Duran, Maricela [mailto:duranm@davidandmargaret.org]
Sent: Wednesday, September 08, 2010 3:33 PM
To: Kramer, Benjamin
Subject: Joan Macy School -- your assistance please

Mr. Kramer,
I appreciate your assistance. What are the steps/forms to file an appeal?

*Thank you,
Maricela Duran, Principal
Joan Macy School NPS
909-596-3173
www.joanmacyschool.org*

From: Kramer, Benjamin [mailto:BKRAMER@sl.universalservice.org]
Sent: Tuesday, August 31, 2010 6:14 AM
To: Maricela Duran@1-909-5968492
Cc: Duran, Maricela
Subject: ERate App# 743410



Schools and Libraries Division

Aug 31, 2010

Maricela Duran

JOAN MACY SCHOOL

Telephone:

(909) 5963173

Application Number

743410

The Program Integrity Assurance (PIA) team is in the process of reviewing all Funding Year 2010 Form 471 Applications for schools and libraries discounts to ensure that they are in compliance with the rules of the Universal Service program. We are currently in the process of reviewing your Funding Year 2010 Form 471 Application. To complete our review, we need some additional information. The information needed to complete the review is listed below.

I.

The documentation provided for **FRN 2011214**, FY2010 Form 471 application # **<743410>** has resulted in modifying the **<Contract Award Date>** from **<02/07/2008>** to **<01/28/2010>**.

II.

Based on the documentation that you have provided, the entire **FRN 2011214** will be denied because the contract that you provided **<was signed prior to the Allowable Contract Date>**. For additional contract guidance; please refer to the USAC website at: <http://www.usac.org/sl/applicants/step04/contract-guidance.aspx>.

If the entire FRN should not be denied and you have alternative information, please provide supporting documentation dated on or before the window close

Should you wish to cancel your Form 471 application(s), or any of your individual funding requests, please clearly indicate in your response that it is your intention to cancel an application or funding request(s). Include in any cancellation request the Form 471 application number(s) and/or funding request number(s), and the complete name, title and signature of the authorized individual.

Thank you for your cooperation and continued support of the Universal Service Program.

Benjamin Kramer

USAC Schools and Libraries Division

Program Integrity Assurance-PIA

Phone# (973) 581-5173

Fax# (973) 599-6522

bkramer@sl.universalservice.org